

REPORT - PLANNING COMMISSION MEETING
June 10, 2004

Project Name and Number: Lincoln St. Apartments (PLN2004-00243)

Applicant: Lincoln Street Housing, Inc.

Proposal: To consider a Finding for Site Plan and Architectural Approval, a Density Bonus and additional concessions, as permitted under State law, for the development of an eleven-unit multifamily residential housing project.

Recommended Action: Approve, based on findings and subject to conditions

Location: 40852 Lincoln Street, in the Irvington Planning Area

Assessor Parcel Number(s): 525-0661-020-05 and 525-0661-020-07

Area: 0.46 Acres

Owner: Lincoln Street Housing, Inc.

Agent of Applicant: Kristel Phears, Architect

Consultant(s): Erik Mikiten, Mikiten Architecture (Architect)
TerraSearch Inc., (Environmental Engineer)
Carrie L. Foulk, Kleinfelder (Soils Engineer)

Environmental Review: A Mitigated Negative Declaration has been previously prepared for this project.

Existing General Plan: Medium Density Residential, 15-18 Dwelling Units per Acre

Existing Zoning: R-3-18, Multi-family Residential

Existing Land Use: Single-family residence

Public Hearing Notice: Public hearing notification is applicable. A total of 150 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Lincoln Street, Lincoln Court and Chapel Way. The notices to owners and occupants were mailed on May 31, 2004. A Public Hearing Notice was delivered to The Argus on May 26, 2004 to be published by May 31, 2004.

Executive Summary: The Planning Commission is being asked to consider a Finding of Site Plan and Architectural Approval (SPAA), a Density Bonus and additional concessions, as permitted under State law, for the development of an eleven unit affordable housing project. The proposed eleven-unit, independent living apartment project consists of 11,473 square feet of living space. Included in the proposed design are an interior ramp, which allows occupants with mobility impairments to access the second floor inside the building; a common assembly room (for the program services) and a common restroom; a unit and office for the resident manager; and a computer room. In addition, a density bonus of 25 percent over the maximum permitted density for the site and additional concessions are requested to facilitate the development of the project. Staff recommends approval of the project, based on the findings and conditions.

Background and Previous Actions: In June of 2003, City Council adopted a new multi-family zoning district, the R-3 Multi-family Zoning District, to assist the City in meeting its regional housing needs as described in the City's General Plan Housing Element. Consistent with the goals and policies of the Housing Element, the intent of the new R-3 District is to facilitate and encourage the development of higher density residential projects, while also providing incentives for affordable housing developments. The standards adopted for the R-3 district are suitable for the City's remaining infill

sites and provide developers with clear standards that also allow for flexibility. To facilitate high quality development, under the R-3 District all projects are required to receive Site Plan and Architectural Approval (SPAA) by either the Development Organization (staff level for projects consisting of 10 units or less) or the Planning Commission (for all projects of 11 units or more).

On February 24, 2004, on the recommendation of the Planning Commission, the City Council adopted an Ordinance [PLN2004-00124], which rezoned the 0.46-acre project site from R-G-29 (Garden Apartment Residence District) to R-3-18 (Multi-family Residence District). The rezoning to the R-3-18 was necessary to facilitate the development of a multi-family project on the site at or above the midpoint of the density range. At that time, it was noted that a special needs housing project anticipated for the site, an eleven-unit residential development, would come back to the Planning Commission for Site Plan and Architectural Approval. At the hearing, the Planning Commission advised the applicant to work with the community on the project design and siting of the proposed structure.

Project Description: The project consists of a Finding of Site Plan and Architectural Approval (SPAA) and the consideration of a Density Bonus, as well as additional concessions, for the development of an eleven-unit affordable housing project. The eleven-unit apartment development is designed as two stories in an L-shape configuration with approximately 11,473 square feet. The proposed project will be developed with two floor plans: a main lobby, a manager's office, a common restroom, computer and service rooms, and five living units on the first level; and six living units on the second level. The units consist of seven, one-bedroom units of approximately 572 square feet in size, except for one unit at 828 square feet; and 4, two-bedroom units of approximately 744 square feet in size. All of the eleven units will be developed within one apartment building complex. In order to achieve a project that is economically feasible, the applicant is also requesting a density bonus of 25 percent over the maximum permitted density for the site and additional concessions, as permitted by State law. The development of the project, a Housing and Urban Development (HUD) funded project, will provide independent living housing for developmentally disabled individuals.

PROJECT ANALYSIS:

General Plan Conformance: The existing General Plan land use designation for the project site is Medium Density Residential, 15-18 dwelling units per acre. The permitted density for the 0.46-acre project site is 16.5-18 dwelling units per acre, which would permit the maximum development of eight units on the site (e.g., $0.46 \times 18 = 8.28$ units; based on the General Plan and Ordinance, in calculating the "permitted density" fractions of less than 0.5 are rounded down to the previous whole number). The applicant requests a 25 percent Density Bonus above the maximum density of 18 dwelling units per acre (e.g. $18 \times 25\% = 4.5$ units $\times 0.46$ acres = 2.07 additional units) to develop eleven units of housing on the 0.46-acre site (e.g. $8.28 + 2.07 = 10.35$ units; pursuant to State law, "all density calculations resulting in fractional units shall be rounded up to the next whole number"). Based on the goals and policies of the General Plan, as well as the Ordinance and State law, the Density Bonus requested is appropriate (See "Density Bonus" below for further discussion). The proposed project exceeds the minimum requirements to qualify for the consideration of a Density Bonus. In addition, the granting of Density Bonus or any concession(s) permitted within the scope of State law, "shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approvals". The proposed project is thus consistent with the existing General Plan land use designation. Staff believes the proposed use and design, as conditioned, is consistent with the General Plan designation, because the project meets General Plan Housing and Land Use Goals and Policies, as follows:

Land Use Element Policies

Policy LU 1.6:

To increase the supply of housing affordable to low and very low income households, an increase in density (a 'density bonus') of 25 percent above the maximum permitted density and an additional incentive shall be given to a housing development in which at least:

- (a) ...*
- (b) 10 percent of the units are reserved for very low income households.*
- (c) ...*

Discussion: The applicant proposes to dedicate all the eleven units within the development for the very low-income household range. Because of the funding limitations from and requirements of HUD, additional incentives are also requested to make the project feasible, as discussed in the later section of this report.

Policy LU 1.9: *To achieve a variety of housing types, the City has designated locations where moderate and higher density development is appropriate. Criteria for the location of higher density housing include access to transit, proximity to commercial areas, proximity to a collector or arterial street, and as a transitional use where maximum flexibility in site design is required. For those areas where higher densities are indicated in the General Plan Diagram, construction of housing at significantly lower densities than planned would not meet the City's goals. The City therefore establishes a minimum required density of development for all medium and high density residential uses, as follows:*

When the residential range is between 6.5 and 70 units per acre, and development application has not been deemed complete for processing under the provisions of the Permit Streamlining Act by July 1, 2003, the minimum density of the project must be at the midpoint of the [General Plan designated] density range.

Discussion: The project exceeds the midpoint density as required under this policy. The project is located in the Irvington Planning Area where a possible future BART station will provide proximity to transit, and the Irvington commercial area.

Policy LU 1.11 *Appropriate transitions shall be encouraged between higher density residential areas and lower density areas...transitions can be composed of streets, setbacks, open space, landscape and site treatments, building design and/or other techniques.*

Implementation 1: Specific plans and other type design or development plans shall include guidelines for appropriate transitions between uses. Where such plans or specific guidelines do not exist, the City's project review process for multi-family projects shall review projects for the provision of appropriate transitions, where necessary.

Implementation 2: Site design in residential projects shall be used to separate habitable areas of the project from noise or light sources.

Discussion: The R-3 District establishes appropriate architectural and site standards and guidelines to create desirable multi-family residential areas, as well as allows for flexibility through the Site Plan and Architectural Approval (SPAA) process. It provides that any multi-family residential development that abuts parcels containing single-family residences with General Plan designations of Low Density Residential, that is, less than 10 dwelling units per acre, must take into consideration appropriate setback distances or other effective means (e.g., window placement, landscaping, appropriate siting of open space areas) to ensure the reasonable physical relationship between residences, while promoting options for privacy for neighboring properties. This provision does not apply to the project site because the surrounding area, and area largely to the east and north, is designated with a density of greater than 10 dwelling units per acre. Nevertheless the project has been designed to keep the building mass away from the existing single-family residence to the northwest.

Policy LU 1.21 *All rental housing of four or more units...shall incorporate features to make the housing adaptable to the needs of the physically disabled.*

Discussion: The project is designed with a focus on what the applicant's architect calls a "universal design". The project will accommodate special needs housing for developmentally disabled individuals by incorporating features to make housing adaptable for individuals with disabilities. For instance, the project proposes an enclosed ramp which allows the occupants with mobile impairments to go to and from the second floor inside the building, accessible living units with varying-height countertops, a mix of bathtubs and roll-in showers, etc., as well as accessible outdoor amenities, such as low concrete seat walls and an accessible grassy lawn area.

Policy LU 1.22: *Multi-family housing units shall be developed with consideration given to the relationship to adjacent development. Particular attention should be given to the style of roofs, with flat roofs discouraged except where they are usable outdoor space.*

LU 1.25: *Where several multi-family projects are on adjacent parcels of land, a variety of architectural and site design treatments shall be encouraged. However, an architectural or landscape design theme for several parcels may be appropriate.*

Discussion: Staff believes that the design of the project is consistent with the character of the neighborhood, as mentioned under the "Architectural Analysis" section of this report.

Housing Element Policies

Goal 3: *Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the city...*

Policy #B: *Continue to designate sufficient residentially-zoned land at appropriate densities to provide adequate sites to meet Fremont's new construction need for 2001-2006. Included in that need are the following objectives:*

Units Affordable to Very Low Income	873 Units
Units Affordable to Low Income	602 Units
Units Affordable to Moderate Income	1,774 Units
Units Affordable to Above Moderate Income	1,663 Units
Total Need:	4,912 Units

Program 18: *The City will evaluate vacant and underutilized residentially designated parcels to identify sites, which could have an increased density and then undertake city-initiated General Plan changes and rezoning to higher densities.*

Discussion: One of the General Plan Housing Element objectives is to provide 873 units affordable to very low-income households within the six-year period, from 2001 to 2007. The project will provide eleven units of housing affordable to very low income households, consistent with this objective.

Redevelopment Plan Conformance: The project site is located in the Irvington Redevelopment Project Area. The proposed project is consistent with the Redevelopment Plan because the project will provide eleven new affordable housing units. This meets the Agency's overall goals to produce, enhance and preserve affordable housing.

Density Bonus Ordinance: In January 2003, the provisions of State law regarding Density Bonus were amended (Assembly Bill 1866). In response to this amendment, in September of 2003, the City Council adopted a Density Bonus Ordinance and an Affordable Housing Incentives Ordinance (enclosed) for consistency with State law and to implement Housing Element Program 12 and Land Use Element Policy LU-1.6. The purpose of the Density Bonus and Affordable Housing Incentives Ordinance is to provide developers with a density bonus of 25 percent over the maximum permitted density and additional incentives or concessions (e.g. exceptions) to the general development standards, making the development of a residential project more economically feasible and to encourage the production of affordable housing units in the City. To be considered for a density bonus and the additional incentives or concessions, the developer must

agree to all the regulations set forth in State law and the Ordinance, such as a “Density Bonus Housing Agreement” to ensure that the target units remain affordable for at least a specified time duration (depending on type of housing proposed, rental or for-sale units). Additionally, the developer must propose a project involving five or more units and must agree to provide the following:

- 20% of units to lower income households; or
- 10% of units to very low income households; or
- 20% of units to moderate income households as part of a newly constructed condominium project; or
- 33% of units to low or moderate income households within a condominium conversion project; or
- 15% of units to lower income households within a condominium conversion project; or
- 50% of units as Senior Citizen Housing.

State law and the Ordinance provides that a minimum 25% Density Bonus is required to be granted on top of maximum density allowed for a given site and that fractions of units are rounded up. A Density Bonus of greater than 25% is treated as an additional incentive. No General Plan or zoning changes are needed to allow for increased density.

The Density Bonus Ordinance not only provides a housing developer with a Density Bonus of 25 % over the maximum permitted density, it also provides incentives or concessions (as requested below) for the production of housing for very low, lower income households, senior households or moderate income households, including condominium projects. “Additional incentives or concessions” means such “regulatory concessions as specified in the California Government Code, which includes, but is not limited to, an additional density bonus, reduction of site development standards or zoning code requirements, direct financial assistance, approval of mixed use zoning in conjunction with the housing development, or any other regulatory incentive which would result in identifiable cost avoidance or reductions that are offered in addition to the Density Bonus”.

The proposed project exceeds the minimum requirements set forth in State law and the Ordinance for the consideration of a Density Bonus of 25% over the maximum permitted density and additional concessions, which would allow for exceptions to the general development provisions of the City. The 25 percent Density Bonus over the maximum permitted density on the site (18 dwelling units per acre) would allow the development of 11 units on the 0.46-acre site, where otherwise a maximum of 8 units would only be permitted.

Additional concessions are discussed under “Zoning Regulations” below. Whereas only 10 percent is required to be dedicated to very-low affordable housing units, the project is proposed to serve 100 percent very-low income households. The applicant also has agreed to enter into a 99-year binding Housing Agreement with the City (Condition A-2). Under the City’s Density Bonus Ordinance, a longer period of time may be specified due to the construction/mortgage financing assistance program sought (the minimum duration would be 10 years for “Condominium project” and 30 years for all other “housing developments”).

Zoning Regulations: The project is generally required to adhere to the standards and guidelines established for the R-3, Multi-family zoning district. The R-3 district, however, allows for flexibility or exceptions to its general lot and siting standards through the SPAA process when the approving body, i.e., the Planning Commission, can find that the intent of a certain standard can be met through alternatives means, except where the exception is already permitted based on the proposal of an affordable housing project. In essence, the prescribed standards are only intended to provide certainty to property owners, developers, and neighbors “about the limits of what is generally allowed”. In general, the project complies with the standards and guidelines, with some exceptions due to site constraints, HUD regulations and associated construction costs.

The project complies with the following general standards:

R-3-18 Zoning Lot & Siting Standards for Project Site at 40852 Lincoln Street		
Type of Standard	Permitted	As Proposed
Maximum Building Height	52 feet	26 feet 6 inches
Minimum Lot Size	6,000 square feet	21,392 square feet
Minimum Lot Width	60 feet	140 feet
Street Frontage	35 feet	140 feet
Front Setback	20 feet, but should be reduced where the reduction fosters a desirable pedestrian-oriented environment or neighborhood setting for the area.	Varies (17-24 feet); adjacent, existing apartment complex to the southeast, as well apartment complexes to the south, has a front yard setback of 20 feet. Thus, staff finds the varying setback from 17 to 24 feet is appropriate.
Interior Side and Rear Setbacks	10 feet	10 to 11.5 feet
Lot Coverage	50 percent; Affordable project: 70 percent	31 percent
Minimum Common Open Space Area	500 square feet for up to 5 units, plus 50 square feet for each additional unit; one dimension at least 15 feet; Affordable project: 500 square feet for up to 5 units plus 25 square feet for each affordable unit.	650 square feet of common open space required for the affordable housing project proposed—3,600 square feet of common open space area is proposed.
Minimum Private Open Space Areas	Balconies—Minimum 60 square feet, the least interior dimension 6 feet; Patios—Minimum 100 square feet, the least interior dimension of 10 feet.	Due to mandatory HUD regulations—no private balconies or patios are proposed. Please see further analysis below.

The applicant is requesting modifications from the Fremont Municipal Code (FMC) as allowed under the R-3, Multifamily zoning district and Density Bonus ordinance. Staff believes that the current site, architecture, grading, and landscape plans have adequately addressed staff comments and concerns; that effective conditions of approval have been incorporated to resolve any remaining, outstanding issues; and that the project, as conditioned, merits all proposed deviations from the Fremont Municipal Code, based on the following analysis:

Exceptions Requested Under the R-3 Standard:

Side Yard Encroachment: The applicant requests an exception to the general 10-foot setback that is required from the interior lot line to the development of the parking area proposed on the northwest side of the property. Two standard parking stalls consisting of “Grasspave” (a turf cell product) will be setback 4 feet and 6 inches from the lot line, while three compact spaces will be setback about 9 feet. In considering the location of the existing, legal nonconforming single-family residence to the northwest, staff believes that the reduction in this area would not have an impact on the adjoining lot. The adjoining single-family residence is located at least 35 feet from the closest parking stall on the northwest side of the proposed development. Staff believes the exception is necessary, as the project will incorporate 11 units of housing

on the 0.46-acre site with a design which maximizes the common open space that may be enjoyed by the occupants and takes into consideration the location of the adjoining residence.

Parking: The Zoning Ordinance sets minimum parking requirements for multifamily residential uses. Based on the use proposed, the one-bedroom units are generally required to provide 1 covered parking space plus 0.5 uncovered space for guest parking, while the two-bedroom units are generally required to provide 1 covered parking space plus 1 uncovered parking spaces. If the total parking calculated results in a fraction, the fraction is counted as one space. The project, which consists of 7 one-bedroom units and 4 units two-bedroom units, requires eleven covered parking spaces and eight uncovered parking spaces. However, the project only proposes nine uncovered parking spaces, including 2 disabled persons, 4 standard and 3 compact. No covered parking spaces are provided.

Under the R-3 standards, a general parking reduction incentive of ten percent is provided to encourage the development of affordable housing projects. Furthermore, under the general parking provisions of the Zoning Ordinance (Article 20), the Planning Commission may reduce the parking requirement for a particular project if it finds that there is sufficient off-street parking to meet the needs of the neighborhood and when it makes one of the four specified findings. The third finding reads:

Finding #3

Due to the anticipated tenancy, including but not limited to affordable units, senior citizen units, single room occupancy (SRO) and efficiency¹ units, and special needs housing, and based on quantifiable evidence, the use is not likely to require the same levels of parking as standard residential development. This finding shall only be used for projects that have entered into a binding agreement with the city or other public agency guaranteeing the project will serve the identified tenancy type.

The project will provide special needs housing for developmentally disabled individuals. As the applicant indicated, an overwhelming majority of these individuals do not drive. The applicant notes that the project sponsor, Housing Consortium of the East Bay, estimates that approximately 3 percent of their clients drive, and that the residents seeking this type of housing generally do not have cars.

Currently, Lincoln Street offers on-street parking, and, based on a staff visit in the late afternoon (after five p.m.), staff did not observe any evidence of on-street parking congestion problems. Based on this evidence and the evidence provided by the applicant, staff recommends that the Planning Commission grant the parking reduction. Nevertheless, staff has directed the applicant to design the project such that in the future the site can accommodate additional parking, as well as provide for covered parking structures. Should the Planning Commission grant the parking reduction, a finding is included in Exhibit "B".

Development of Parking Areas (Masonry Wall Requirement): Based on the general standard, a masonry wall of 6 feet in height is required around the perimeter of the parking area (generally on the property line) to serve as screening and, to some extent, reduce noises caused by vehicles entering into and leaving the spaces. Due to the costs associated in the construction of the masonry wall (estimated at \$9,000), the applicant proposes to instead construct a solid redwood fence of six feet in height. Although the masonry wall is arguably more durable than the redwood fence, as indicated earlier, the parking area located on the northwest side of the proposed development is approximately 35 feet from the adjoining single-family residence. If the fence is appropriately designed as a redwood, **solid** fence, i.e., it is designed in a solid board-on-board pattern with 6-inch by 6-inch redwood posts, it should also provide adequate screening and, to some degree, attenuate noise caused by the parking area. Should the Planning Commission allow the alternative proposed, a condition is added to ensure that it is maintained in good condition (Condition A-6). Additionally, with the maturing of trees and shrubs along the northwest side of the property, the impact on the adjoining lot will be further reduced.

Exceptions Requested under the Density Bonus Ordinance:

Underground Transformer Requirement: The applicant is requesting an exception from the Underground Utility District Ordinance with regard to the proposed above ground transformer in the southeast corner of the site. As there is a long-term aesthetic benefit to having the transformer installed underground, staff recommends that the applicant continue to work with staff and PG&E during the Development Organization review process to try and make an underground

transformer feasible (Condition E-21). If deemed infeasible by the Development Organization, staff recommends that the aboveground transformer be permitted with a redwood fence, gate, and landscape screening. The transformer is discussed in detail under the "Engineering Analysis" section of this report.

Turnaround On-site: The Zoning Ordinance requires that vehicles entering the site be provided area to turn around on-site (8-22009(j)). Due to the limited area on the site, the applicant requests an exception to this requirement. For the reasons outlined in the "Engineering Analysis" section of this report, staff supports the request.

Private Open Space Areas: The R-3 district establishes minimum area and dimension requirements for private open space balconies and patios, which are typically included in the design of an apartment or condominium project. Balconies must be a minimum of 60 square feet, with the minimum interior dimension of 6 feet, while patios must be at least 100 square feet, with the minimum interior dimension of 10 feet. Each unit is required to be provided with either one balcony or one patio, unless modified through the SPPA process by the Planning Commission.

However, in this case, the applicant is not proposing any balconies or patios. The primary reason is that HUD is funding the development and under HUD regulations, balconies and patios are disallowed. The applicant notes that HUD's concern is that "even with plentiful storage elsewhere for the residents, the patios and balconies are most often used by the residents as storage as well, resulting in the visual degradation of the building". In addition, the applicant also notes that there would be a cost savings, and that without patios and balconies, the residents would utilize the common open spaces more often, "fostering a greater sense of community among themselves".

Staff believes that the large common open space areas make up for the otherwise required private open space areas. The tenancy of the apartment building will consist of developmentally disabled individuals. The intended use of the site thus could be considered as one larger family, instead of individual families, which usually would have a greater need for private open spaces. More importantly, the project must also be designed to comply with HUD regulations, as HUD is a major source of funding for the project. Based on these considerations, the exception to the private open space area requirement is appropriate.

Inclusionary Zoning: The project exceeds the City's Inclusionary zoning requirements through the inclusion of all eleven units as rental Below Market Rate (BMR) units. These units will consist of seven, one-bedroom units of approximately 572 square feet in size, except for one unit at 828 square feet; and, 4, two-bedroom units of approximately 744 square feet in size. All of the eleven units will be developed within one apartment building complex.

Open Space/Landscaping: Approximately 3,600 square feet of common open space is strategically located on the northwest corner of the lot (see "Site Planning" discussion below). This area includes an accessible lawn area, low concrete seat walls and wood seats of varying height seat walls, as indicated by the applicant's architect "where people can have eye-to-eye conversations with wheelchair riders". The architect adds that the lawn area is designed with slopes up to the concrete wall, allowing "a place where wheelchair riders to transfer onto and enjoy the lawn".

The landscape plan is acceptable. Surrounding the development are a variety of shrubs and groundcover, including trees in the location of the parking area and common open space areas, as well as the back (right) side of the proposed building facing the existing apartment building to the southeast. New street trees and associated improvements will be installed on the frontage of the lot (Condition E-1).

City Landscape Architect Review of Proposed Tree Removal and Preservation: The site contains 9 mature trees as shown on the Tree Survey L-1. There is also one tree, #2 *Ligustrum lucidum* offsite that will be affected by the proposal. A total of 6 trees are designated for removal as a result of unavoidable conflicts with the proposed development. Five of these trees are either small or in poor condition. Mitigation for the removal of these trees is achieved by the planting of (4) 24" box trees throughout the new development. One of the 6 existing trees, #3, is a California Pepper with a Diameter Breast Height (DBH) of 16" and is in good condition. The mitigation for the removal of this tree shall a 60" box multi trunk *Quercus agrifolia* specimen tree. This is consistent with the provisions of the Tree Preservation Ordinance (Condition C-5).

The remaining 4 trees designated for preservation will require specific tree protection measures that will include tree protection fencing and minor pruning to be reviewed by staff during the Development Organization review (Condition C-1).

Waste Management: This project is subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939), the City's Source Reduction and Recycling Element (1992), the Integrated Waste Management Ordinance (1995), and the Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. An adequately sized and appropriately designed and located trash enclosure is proposed for the project (Condition A-5).

DESIGN ANALYSIS:

Site Planning: The site is an interior lot located on Lincoln Street. To the northwest is one single-family residence, to the north are single family residences, to the southeast are apartment complexes. Initially, staff encouraged the architect to explore the possibility of locating the building structure toward the street with the parking area at the rear. The architect explored the alternative, but concluded that the siting would result in expansive paving necessary for a driveway extending to the back of the lot, reducing the otherwise limited area that could instead be devoted to open space or other amenities. Additionally, the architect indicated that to achieve a neighborly street frontage, the long side of the building is oriented parallel to the east side lot line adjoining with the existing apartment complex, allowing the front of the building to have a smaller, more residential massing. In addition, the layout of the building allows the northwest common open space patio and lawn area to enjoy the afternoon sun.

After considering the siting design proposed by the architect, staff concurs that the site planning is appropriate for the site. Not only does the architect achieve consistency with the perceived massing layout of adjacent buildings, the proposed building also is functionally appropriate. The common open space area is strategically located adjacent to the building side where the proposed gathering and program services room is located. The front lobby is located proximate to the front property line where it can be clearly seen, consistent with the R-3 standards and policies. In addition, although the parking area is located on the side yard, some of the stalls will consist of Grasspave© (a turf cell product), which should further reduce the otherwise perceived increased amount of asphalt.

Architecture: The applicant describes that the design was focused on "universal design". The intent as described was to create a building that people with developmental disabilities, who often have associated physical disabilities, find unusually accommodating. In terms of architectural design, the architect adds that the objective is "to create a building which draws inspiration from some of the few remaining historic homes in the neighborhood, while at the same time presents a creative and beautiful character of its own".

Staff believes that the design and quality of the project is consistent for the neighborhood setting and will enhance the appearance of the surroundings. The architectural design of the building appropriately uses elements from the older Craftsman buildings in the neighborhood. The main façade treatment consists of stucco painted in "Yorkshire" color and "Woodstock" tan colors. The board and batten facades are treated in a "Hedgehood" brown color. All doors are treated in darker "Davenport" tan color, while the window trim in a "Hedgehood" brown color. The front façade has a sloping gable roof, and the design of the building also incorporates vertical wood siding and brackets that are found on some older Victorian homes in the neighborhood.

Based on the direction of the Planning Commission during the rezoning of the project site, the applicant indicated that the design team worked with the community on a design which staff believes is consistent with the intent of the R-3 standards and guidelines.

ENGINEERING ANALYSIS:

Circulation/Access Analysis: Vehicular access to the project site is from a new twenty-four foot wide driveway on Lincoln Street. This driveway serves a parking lot with nine parking spaces. The applicant is requesting several exceptions to the Zoning Ordinance requirements for parking lots. Each requested exception to the ordinance is discussed below.

- **Parking Surface:** The Zoning Ordinance requires that parking lots be “paved with asphaltic or Portland cement concrete, and ...shall be bounded by concrete curbs six inches in height” (8-22009(c)). The project proposes four parking spaces to be surfaced with GrassPave® (a turf cell product) and bounded by flush curbs (zero-height curbs), in some locations. GrassPave is a manufactured alternative pavement surface system for applications that include overflow parking, firelanes, and emergency access. The project architect has proposed GrassPave because it “allows water to drain through rather than be collected and contributed to the City storm sewer system, and reduces the visual impact of the parking lot by providing a green area in place of what would otherwise be asphalt.” The project architect also contends that the GrassPave parking areas will not have regular use as parking and can serve as “extended lawn area if desired.”

The project architect is proposing flush curbs in several locations, including at the parking lot boundary. Flush curbs will provide an appropriate boundary between the asphalt pavement and the GrassPave surfaces. Flush curbs are also proposed as the “stripes” between parking stalls in the GrassPave stalls. Additionally, flush curbs between the parking lot and the building provide increased accessibility between the parking lot and the other project facilities.

Discussion: Staff supports the proposal to use flush curbs and GrassPave (or other pervious pavement) as an alternative pavement surface for this project. However the details of the pavement surface, particularly the interface with surrounding asphalt, planters, and sidewalk, require further design and review (Condition E-3). Also, the asphalt and GrassPave design must take into account existing soil conditions, which in this vicinity have been characterized as moderately to highly expansive near the surface, which may require special subgrade preparation and/or installation of subdrains beneath the GrassPave. Conditions of approval are included that require the applicant to work with staff during Development Organization to refine the design details of the parking lot pavement surface and require the GrassPave and pavement design, including drainage, to conform to the recommendations of the required project soils report (Condition E-4).

- **Wheel Stops:** The project proposes to use recycled rubber wheel stops throughout the parking lot. The Zoning Ordinance requires that wheel stops be made of concrete (8-22009(f)).

Discussion: Staff supports the proposal to use recycled rubber wheel stops, but only at locations not bounded by a six-inch high concrete curb. The five western parking stalls are bounded by standard six-inch high curb, therefore no supplemental wheel stops are required.

- **Vehicle Turn Around:** The Zoning Ordinance requires that vehicles entering the site be provided area to turn around on-site (8-22009(j)). The applicant is requesting a variance from this requirement due to the lack of available space on-site for a vehicle turn-around. The applicant feels that the parking stalls provided will seldom be used and therefore will be available for vehicles performing turn-around maneuvers.

Discussion: The design of the project site restricts the area available for vehicle maneuvers. Passenger vehicles entering the site can use an open parking stall to accommodate a turn-around movement. Service vehicles, due to their length, may not be able to use open parking stalls for turning around, and therefore would be forced to backup into Lincoln Street over the public sidewalk and driveway. The majority of vehicles forced to backup will likely be garbage and recycling service trucks. The garbage and recycling trucks are equipped with audible backup alarms and the traffic volumes on Lincoln Street are low, therefore staff supports the requested variance.

Street Improvements: In accordance with the Street Right-of-way and Improvement Ordinance, the developer is required to dedicate right-of-way and install complete street improvements for Lincoln Street across the project street

frontage. Lincoln Street is a minor residential street with a planned right-of-way width of sixty feet and a pavement width of forty feet. The required right-of-way dedication is approximately five feet and has been shown on the site plan.

The required street improvements include, but are not limited to: removal of the existing sidewalk; installation of pavement, curb, gutter, landscaping, irrigation, sidewalk, and storm drains; relocation or removal of existing utilities and installation of new utility services (Condition E-1). The right-of-way dedication and street improvement plans are subject to review and approval of the City Engineer. The developer shall obtain an encroachment permit for all work within the public right-of-way (Condition E-2).

Utility Services: Overhead utility lines, from the south side of Lincoln Street, serve the existing building on site. The overhead lines are connected to an existing utility pole near the center of the property. The existing building and utility pole will be removed with this project. The new utility services for the project shall be installed underground, which will require that a utility trench be constructed across Lincoln Street.

The applicant is requesting an exception from the Underground Utility District Ordinance with regard to the proposed above ground transformer in the southeast corner of the site. The ordinance (6-3104) states:

“...such transformers may be surface mounted, in apartment (R-G and R-G-H) districts, within any side or rear yard which is not bounded by a street lot line, or within any open court or other interior open area adjacent to main buildings which open area is not part of the principal yard areas of the lot upon which such buildings are located, provided that any such transformer shall be located within an approved utility easement upon the lot.”

Additionally, the R-3 zoning, development guidelines include the following (8-2756(b)(6)):

“To minimize their visibility from any public or private right-of-way and potential negative visual impacts, electrical, telephone, transformer, and other utilities should be placed underground. Any aboveground utilities, including backflow preventers, may only be so located if they are adequately screened by landscaping and/or architectural elements.”

The applicant is proposing to locate the transformer in the front yard, approximately six feet behind the public sidewalk. The transformer will be screened with a five-foot tall redwood fence, with gate, and landscaping. The applicant estimates that the cost to install the transformer underground would be \$18,000 more than the aboveground installation. Staff is unsure whether the additional cost takes into account the cost of the redwood fence, gate, and landscaping.

Discussion: Staff recognizes the funding constraints faced by the applicant and the interest in reducing certain development costs. However there is a long-term aesthetic benefit to having the transformer installed underground. Staff recommends that the applicant continue to work with staff and P.G. & E. during the Development Organization review process to try and make an underground transformer feasible (Condition E-21). If deemed infeasible, the aboveground transformer will be permitted with the proposed redwood fence, gate, and landscape screening.

Drainage: Storm runoff from the project site discharges to Laguna Creek (Alameda County Flood Control Line E). Laguna Creek is a natural creek that is designated as a flood hazard area. Post development runoff from the project site shall not increase the flood hazard downstream. The project may be required to mitigate the effects of increased runoff from the project site. The project shall be designed to conform to the Hydrology and Hydraulics Criteria Summary for Western Alameda County. Hydraulic calculations will be required during building permit plan check. The on-site and off-site storm drain design, including the GrassPave drainage system, shall be subject to review and approval during Development Organization

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

ENVIRONMENTAL ANALYSIS: An Initial Study and Mitigated Negative Declaration have been previously prepared and the Mitigated Negative Declaration was adopted for the rezoning previously required for this project. The environmental analysis identified concerns regarding potential impacts to Air Quality, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality and Noise. The Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included in a Mitigation Monitoring Program (MMP) that have been adopted for the project on the site. A more detailed description of the potential impacts is provided within the Initial Study for adopted for the project, which is included as an enclosure.

Response from Agencies and Organizations:

No responses have been received to date.

APPLICABLE FEES:

Development Impact Fees: This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. Residential projects/units will also be subject to park facilities and park dedication in-lieu fees. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

ENCLOSURES:

Exhibit "A" (Vicinity Map, Tree Survey, Conceptual Landscape Plan,
Site Plan, Architectural Elevations, Floor Plan)
Exhibit "B" (Findings and Conditions of Approval)
Initial Study, Adopted Mitigated Negative Declaration, Mitigation Monitoring Program
Informational 1 (Density Bonus Ordinance and an Affordable Housing Incentives Ordinance)

EXHIBITS:

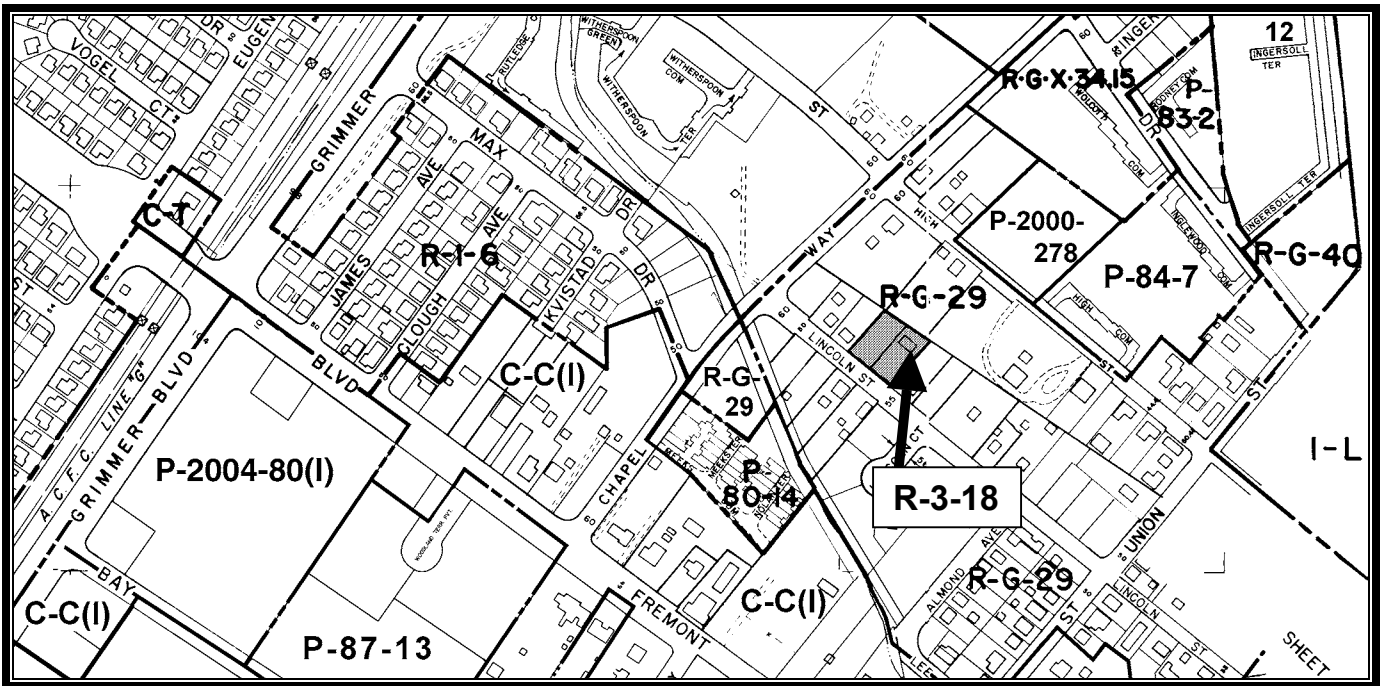
Exhibit "A" (Vicinity Map, Tree Survey, Conceptual Landscape Plan,
Site Plan, Architectural Elevations, Floor Plan)
Exhibit "B" (Findings and Conditions of Approval)
Exhibit "C" (Material and Color Board)
Initial Study, Adopted Mitigated Negative Declaration, Mitigation Monitoring Program

Recommended Actions:

1. Hold public hearing.
2. Find the previous initial study conducted for the project has evaluated the potential impacts that could cause an adverse effect, either individually or cumulatively, on wildlife resources. Therefore, find that there is no evidence the project would have any potential for adverse effect on wildlife resources.
3. Find that the previously adopted Mitigated Negative Declaration and Mitigated Monitoring Program for the project are still valid and that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment and further finding that this action reflects the independent judgment of the City of Fremont.
4. Find that the proposed project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Housing and Land Use Chapters as enumerated within the staff report. The project conforms to the goals and policies as enumerated in the staff report and Findings Exhibit adopted/recommended herewith.

5. Find that the proposed project is in conformance with the standard and polices of the R-3 zoning district, and that based on the Site Plan and Architectural Approval process conducted, the exceptions granted to the general standards of the district are warranted for the reasons mentioned in the staff report herein.
6. Find that the proposed project is in conformance with the Density Bonus Ordinance and that the density bonus of 25 percent over the maximum density permitted for the subject site and the additional concessions requested as outlined are warranted for the reasons mentioned in the staff report herein.
7. Approve PLN2004-00243, as shown on Exhibit "A", subject to findings and conditions in Exhibit "B".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

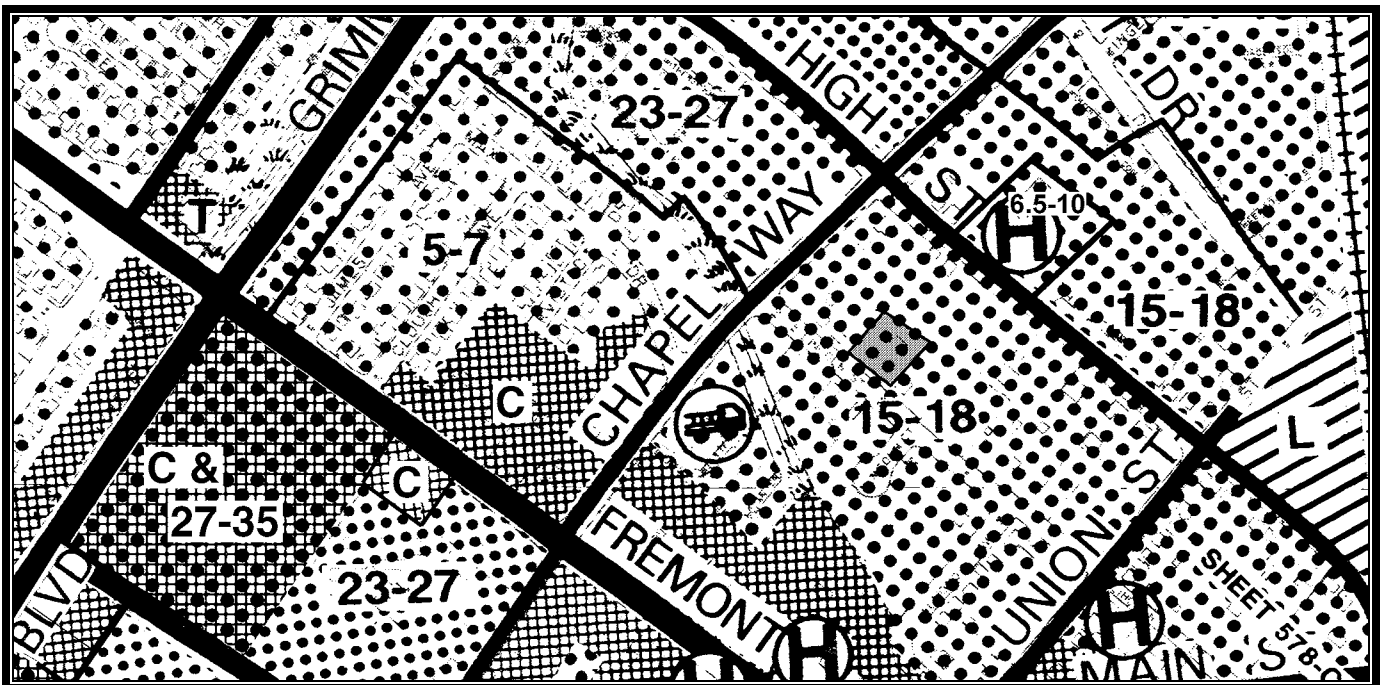


Exhibit "B"
Findings and Conditions of Approval
Lincoln St. Apartments
40852 Lincoln Street
Site Plan and Architectural Approval

Findings

The findings below are made on the basis of information contained in the staff report to the Planning Commission and testimony at the hearing on June 10, 2004, incorporated herein:

1. Find the previous initial study conducted for the project has evaluated the potential impacts that could cause an adverse effect, either individually or cumulatively, on wildlife resources. Therefore, find that there is no evidence the project would have any potential for adverse effect on wildlife resources.
2. Find that the previously adopted Mitigated Negative Declaration and Mitigated Monitoring Program for the project are still valid and that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment and further finding that this action reflects the independent judgment of the City of Fremont.
3. Find that the proposed project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Housing and Land Use Chapters as enumerated within the staff report. The project conforms to the goals and policies as enumerated in the staff report herein.
4. Find that the proposed project is in conformance with the standard and policies of the R-3 zoning district, and that based on the Site Plan and Architectural Approval process conducted, the exceptions granted to the general standards of the district are warranted for the reasons mentioned in the staff report herein.
5. Find that the proposed project is in conformance with the Density Bonus Ordinance and that the density bonus of 25 percent over the maximum density permitted for the subject site and the additional concessions requested as outlined are warranted for the reasons mentioned in the staff report herein.
6. Find that due to the anticipated tenancy, a special needs housing facility, and based on quantifiable evidence, the use is not likely to require the same levels of parking as a standard residential development, warranting the approval of the requested parking reduction for reasons mentioned in the staff report herein.

Conditions

General Conditions (Must be satisfied on ongoing basis)

- A-1 Approval of PLN 2004-00243 for an 11,473 square foot apartment complex shall conform to Exhibit "A" (Vicinity Map, Tree Survey, Conceptual Landscape Plan, Site Plan, Architectural Elevations, Floor Plan). The proposed site plan, elevations, and floor plans for the project shall substantially conform to the plans submitted for this application, except as modified herein.
- A-2 In accordance with the applicant's offer to provide a 100% affordable housing project for very-low income households, and pursuant to the Density Bonus Ordinance, the applicant shall enter into a 99-year binding Housing Agreement with the City. Such agreement and monitoring of compliance thereof shall be administered by the City's Office of Housing and Redevelopment.
- A-3 Other than public or private street lights, exterior lighting shall be diffused or concealed in order to prevent illumination of adjoining properties or the creation of objectionable visual impacts on other properties or streets.

Lighting, including private street lights, shall be decorative in style and the design shall be appropriate to the project architecture.

- A-4 All yard areas shall be landscaped, and all landscaped areas shall be kept maintained.
- A-5 The refuse and recycling trash enclosure area shall be adequately sized to accommodate the needs of the 11-unit apartment project.
- A-6 The redwood fencing, particularly adjacent to the parking area, shall be maintained and kept in good condition.

Prior to issuance of building permit/During Construction

Planning

- B-1 Plans shall be submitted to the Development Organization for review and approval to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code. The plans shall be in conformance with all local, state and federal fire and building regulations.
- B-2 Minor modifications to the approved building designs, elevations and colors may be made, subject to review and approval of the Assistant City Manager or his/her designee if such modifications are in keeping with the architectural statement of the original approval. However, the Assistant City Manager shall retain the authority to determine the level of review required, including a Planning Commission review.
- B-3 The project shall be subject to all Citywide development impact fees. These fees may include, but are not limited to, fees for fire protection, park dedication, park facilities, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.
- B-4 All provisions of the Mitigated Negative Declaration are incorporated into these conditions of approval. These provisions include and must be complied with during the pre-construction and construction phases of the project:

Mitigation #1: *The project shall comply with standard dust suppression measures. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage. In areas where construction is delayed for an extended period of time, the ground shall be re-vegetated to minimize the generation of dust. A person shall be designated to oversee the implementation of dust control.*

Mitigation #2: *Should any human remains or historical or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5(e) and (f) will be followed to reduce impacts to a non-significant level.*

Mitigation #3: *Prior to development of the site for multi-family use, further site investigation and remediation shall be completed in accord with the Phase II ESA dated June 27, 2003 and recommendations of the Fire Department. Subject to the approval of the City's Development Organization and Fire Department, remediation shall include the following:*

- *Excavate all petroleum-stained soil areas (soil sample T-2) to approximately 2 feet bgs and resample these excavated areas for TRPH using EPA Methods 5030/8015 (modified) and 418.1. All excavated soil must be placed on asphalt, plastic sheeting and/or into DOT approved roll-off bins for temporary storage. If concentrations of TRPH more than 200 mg/Kg, then additional over-excavation and re-sampling of the affected areas must continue until concentrations less than 200 mg/Kg are attained. Re-sampling the excavated material for CAM 17 metals, total oil and grease (TOG) will be necessary to gain landfill acceptance. All excavated soil must be transported as*

either a Class II or Class III waste, subject to approval by the City Engineer and City Hazmat Facilities Manager.

- *Demolish the residence and other structures according to local regulations, following the KELLCO Inspection Report. Care should be taken not to generate paint flakes and/or debris. If paint debris is left on the property after demolition, then proper disposal of the paint-impacted soil must be performed.*
- *Once the structures are demolished, excavate and dispose the suspected UST or other structures (i.e., septic tanks, etc.). If the subsurface structure is an UST, then collect one soil sample from beneath UST and analyze the soil sample for TPHg, BTEX, TEPH as diesel and motor oil, VOCs, and LUFT metals using EPA methods 5030/8015 (modified), 8021, 8260 and 6010/700 series. The former UST pit excavations must be backfilled and compacted with approved soil fill to at least 95% relative compaction.*
- *Once property is graded, re-sample the surficial soil for metals, arsenic, lead and mercury to re-evaluate risk levels.*

Mitigation #4: *Project construction will be required to adhere to appropriate standards for residential and circulation areas with attendant drainage and landscaping, emphasizing storm water Best Management Practices intended to achieve compliance with the goals of the Alameda County Urban Storm Water Runoff Program in conformance with the Federal National Pollutant Discharge Elimination System (NPDES) program established by the Clean Water Act.*

Mitigation #5: *Best Management Practices elements shall be incorporated into the final site design to mitigate potential storm water, drainage, and water quality impacts for the project site.*

Mitigation #6: *Hours of construction shall be limited to 7 a.m. to 6 p.m. Monday through Friday, and 9 a.m. to 6 p.m. Saturday. No construction shall be permitted on Sundays.*

Landscaping

- C-1 The following on site trees are to be preserved, numbers 4, 6, 8 and 9 as identified on sheet L-1 of the Tree Survey. The applicant shall work with staff during the Development Organization review to ensure that tree preservation measures are in accordance with the Tree Preservation Requirements of the Landscape Development Requirements and Policies (LDRP).
- C-2 All planting areas containing trees shall be free of all Utility Structures (including light standards). Clearances between Utilities and Trees shall conform to SD-34 City Standard Street Tree Clearances.
- C-3 A landscape plan shall be submitted to the Development Organization or the with Final Map Improvement Plans, or both, as directed by the City Landscape Architect, for review and approval, indicating full details regarding (1) paving materials and textures of walkways and paved pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare type fixtures, (3) screening of driveways and parking areas, and (4) landscaping of site and open areas. As part of the landscape plans the applicant shall submit:
- a) An underground irrigation plan.
 - b) Weed control specifications.
 - c) A lighting plan for the illumination of the building, pedestrian and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.

- d) Construction details of raised planters, walkways, paths, benches, walls, fences, trellised, and other architectural features as appropriate to the project.
- C-4 The planters separating parking stalls from the sidewalk adjacent the building and shall be removed. The applicant shall work with staff to finalize construction details of the grass paved parking stalls in this area.
- C-5 Mitigation for the removal of tree number 3 shall be the planting of one 60" Box Specimen Multi-trunk *Quercus agrifolia*.
- C-6 Applicant shall provide (4) 24" Box size Chinese Pistache Street trees planted in the planting strip along Lincoln Street. Street trees shall conform with City Standard Tree Planting Detail, SD-34.
- C-7 All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. Current copy of the LDRP available at the Engineering Counter.
- C-8 The applicant shall provide the city with a letter from the adjacent property owner during the Development Organization review process prior to issuance of a demolition permit giving permission for the removal of tree # 2 *Ligustrum lucidum*.

Engineering

- E-1 In accordance with the Street Right-of-way and Improvement Ordinance, the Developer shall dedicate right-of-way and install complete street improvements for Lincoln Street across the project frontage. Required street improvements include, but are not limited to: removal of the existing sidewalk; installation of pavement, curb, gutter, landscaping, irrigation, sidewalk, and storm drains; relocation or removal of existing utilities and installation of new utility services.
- E-2 The applicant shall apply for and obtain an encroachment permit for all improvements within the public right-of-way. Improvements within the public right-of-way shall conform to City standards. The encroachment permit shall be obtained prior to or concurrently with issuance of the building permit.
- E-3 GrassPave or other alternative permeable pavement system shall be permitted for four parking stalls. The applicant shall work with staff during Development Organization to refine the design details of the parking lot pavement surface.
- E-4 The applicant shall submit a detailed soils report, including recommendations regarding pavement structural sections and the GrassPave structural section, prepared by a qualified soils engineer registered by the State of California.
- E-5 Grading operations shall be in accordance with recommendations contained in the required soils report and shall be supervised by an engineer registered in the State of California to do such work.
- E-6 Recycled rubber or other alternative wheel stops are permissible, subject to staff review and approval during Development Organization.
- E-7 The applicant shall provide for a functional system to control erosion and siltation during and after construction subject to review and approval by the City Engineer or Alameda County Flood Control and Water Conservation District. A separate plan shall be submitted for this purpose during Development Organization.
- E-8 The applicant shall provide hydraulic calculations and drainage maps for the proposed storm drain system before or with the Pre-Final Development Organization submittal. Storm drain plans, drainage maps, and hydraulic/hydrologic calculations are subject to review and approval of staff during Development Organization.

The calculations shall address the post development affect on downstream facilities classified as special flood hazard areas and offer recommendations to mitigate increased runoff from the project site.

- E-9 Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
- E-10 Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.
- E-11 The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
- E-12 The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on site that effectively prohibit the entry of pollutants into storm water runoff.
- E-13 The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
- E-14 In accordance with the Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, NPDES Permit No. CAS0029831, the property owner shall enter into a maintenance agreement for the long-term operation and maintenance of on-site storm water treatment measures. The agreement shall run with the land.
- E-15 All on-site storm drains are to be cleaned prior to building occupancy and also be cleaned each year immediately before the beginning of the rainy season (October 15). Annual cleaning shall include inspection, maintenance, and/or replacement of catch basin filter inserts. The City Engineer may require additional cleaning.
- E-16 All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.
- E-17 All paved outdoor storage areas must be designed to reduce and limit the potential for runoff of contact pollutants. Bulk materials stored outdoors may need to be covered as determined by the City Engineer.
- E-18 All public and private storm drain inlets are to be stenciled "No Dumping – Drains to Bay" using stencils purchased from the Alameda County Urban Runoff Clean Water Program at 951 Turner Court, Hayward, California. Color and type of paint to be as approved by the City Engineer. Alternative inlet marking may be proposed by the applicant, subject to review and approval of staff during Development Organization.
- E-19 The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
- E-20 The developer and/or contractor shall notify Underground Service Alert (U.S.A.) at 1-800-227-2600 at least two working days before beginning any excavation for this project. A prominent note shall be included in the project plans requiring the notification of U.S.A.
- E-21 As there is a long-term aesthetic benefit to having the transformer installed underground, the applicant shall continue to work with staff and PG&E during the Development Organization review process to try and make an underground transformer feasible.